

**REMARKS**

On page 2, of the Office Action, the Examiner rejected Claims 1, 3 and 5 under the provisions of 35 U.S.C. 102 (b) as being anticipated by Miller et al., United States Patent No. 3,584,958 (hereinafter “Miller”). Applicant respectfully traverses the rejection and requests reconsideration.

In the Office Action, the Examiner asserts that Miller anticipates the presently claimed invention because Miller shows an identification system card, which uses finger prints as a form of univocal identification and the intent of using the identification system with automatic vending.

Applicant respectfully disagrees with the Examiner’s position because the Miller reference does not disclose or teach a payment system for automatic vending machines that: memorizes the fingerprint of an anonymous user; maintains a history of that user along with the amount of money introduced into the machine by that user; associates that information with the price corresponding to products purchased by that user; and can progressively reduce or discount the price of those products based on the amount purchased by the user.

Further, Miller does not teach or suggest a payment system for automatic vending machines that comprises at least one key for revealing a remaining credit determined from a user’s prior depositing of money into the vending machine as called for in the presently amended claims.

Specifically, Miller describes an identification system for identifying an individual at a particular time by means of taking and matching an individual’s fingerprint, see Miller, Claim 1. Miller briefly discloses a possible use of the identification card as a “credit card.” See col. 2, lines 70-75. Presumably, the credit card would be associated with a specific user by matching the “cards” information, at the time of the transaction, with the fingerprints of the user already taken and entered into the system. The identification purpose of Miller’s system is to provide some sort of “security protection,” in lieu of “security guards at such places as ... banks, and the like...” See Miller ‘958, col. 2, lines 66-70.

Specifically, Miller teaches “the present system facilitates the use of the identification card as a credit card for entitling the user ... goods from automatic vending machines...,” see Miller '958, col. 2, lines 71-75. In this regard, Miller discloses the use of an identification card as a credit card to “charge” purchases, apparently, to a credit card company upon use of a vending machine.

In sharp contrast, the fingerprint of a user of the instant invention is not captured for identification in connection with a “credit card” transaction with a third party credit company. Specifically, the present invention only associates an anonymous purchaser’s fingerprint with the amount of money previously deposited into the vending machine, the price of the product purchased, the quantity of products purchased (to provide quantity discounts), and the balance of the deposit originally made to the vending machine by that user.

Therefore, Applicant respectfully submits that Miller does not contain each and every element of a claimed invention and cannot be relied upon to reject the present claims. Accordingly, Applicants respectfully request that the Examiner withdraw the Section 102 (b) rejection of Claims 1, 3 and 5.

Also on page 2, of the Office Action, the Examiner rejected Claims 2, 4 and 6 under the provisions of 35 U.S.C. § 103(a) as being unpatentable over Miller '958 in view of Rivalto, United States Patent No. 5,482,139 (hereinafter “Rivalto”).

The Examiner has suggested that Rivalto teaches an identification system linked to a customer profile with discounts (price) and past purchase data (prior depositing of currency or amounts paid) to provide marketing opportunities. Applicant respectfully traverses the rejection and requests reconsideration.

Applicant respectfully submits that the applied prior art does not disclose such a novel device. Specifically, the present amended claims are novel and unobvious over Rivalto because, *inter alia*, Rivalto does not disclose a vending system that can discount the price of products by progressively reducing the price based on the volume of products purchased or determine a user’s “remaining credit” from the identification of a fingerprint associated with money placed into the vending machine. Instead Rivalto describes a drive-up vending facility and a method of using a plurality

of automatic transaction machines located around the building capable of accepting account/debit cards with a control processor linked to a “Bank Network Subsystem.” See Rivalto, Figure 2.

Applicant acknowledges that Rivalto correctly summarizes the state of the art in “**dispensing discount savings coupons**,” (which in no way teaches or suggests the volume buying discount of the instant invention), see col. 3, lines 51-54; col. 4, lines 33-36; col. 4, lines 38-42; and col. 6, lines 47-54, respectively:

Such arrangements can include **dispensing discount savings coupons** and/or free product samples to the customer prior to the selecting of products, and activating predetermined audio and/or video advertising to the customer while they are shopping.

More specifically, each ATM unit 12 includes the card reader device 16 and the touch screen input video display device 18 described above, **a product discount coupon dispensing device 24**, and video conferencing equipment 26.

Each ATM unit 12 is bidirectionally coupled to a control processor means 102, which is bidirectionally coupled to the automated picking/sorting subsystem 20, **discount coupon dispenser 24**, and a customer identification/sale authorization subsystem 104.

Tracking of a customer's past purchasing history (such as for frequency of product purchase or brand loyalty) allows the present invention to accurately target selected customers for improved strategic product promotional plans, **such as dispensing discount savings coupons through coupon dispensing device 24** and/or displaying video advertising on screen 18, prior to the targeted customer actually purchasing any goods. (Emphasis added)

Moreover, when reading the supporting description of the automated drive-up vending facility, which the Examiner equates with the payment system for automatic vending machines of the present claimed invention, one can only conclude that “**dispensing discount savings coupons through coupon dispensing device 24**,” as described by Rivalto, is a promotional or marketing arrangement that requires a purchaser to receive a coupon before receiving a discount. Rivalto’s “discount savings coupons” are in complete contrast and teach away from the presently claimed quantity based price reduction. Further, Rivalto does not teach nor suggest a vending


machine that can obtain the remaining credit of a user's prior deposit by fingerprint identification.

Furthermore, a fair reading of Rivalto reveals an identification system utilized by an ATM comprising a card reading device, see col. 4, lines 20-21, and 33-34. Rivalto's identification system provides payment with an account/debit card that is "read" by the ATM and requires a third party to complete the transaction. As such, Rivalto does not teach and cannot be construed to teach or suggest a micro processor or electronic chip that identifies the fingerprint of a user that has pre-paid the vending machine prior to obtaining a product, discounted products or balance information.

For these reasons it is therefore respectfully requested that the above §103(a) rejection of Claims 2, 4 and 6 be withdrawn.

. Early and favorable action is earnestly solicited.

Respectfully submitted,

  
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